



Our file: 2250007

BY FAX ONLY TO 780 422 0970

May 2, 2013

Alberta Labour Relations Board
#501, 10808 - 99 Avenue
Edmonton, Alberta T5K 0G5

Attn. Tannis Brown, Director of Settlement

Dear Madam,

RE: An unfair labour practice complaint pursuant to s. 50 of the *Public Service Employee Relations Act* brought by the Alberta Union of Provincial Employees affecting The Government of the Province of Alberta, alleging a breach of ss. 45(1)(a), 46(2) and 48(a) of the Act

Attached is an unfair labour practice complaint filed on behalf of AUPE. Because of the nature of the complaint and the recent events involving these parties, AUPE seeks an urgent hearing of this matter. I am in a hearing Thursday and Friday May 2 and 3, but please contact Carl Soderstrom at 780 719 7404 to discuss hearing arrangements.

Yours truly,

NUGENT Law Office

A handwritten signature in black ink, appearing to be "P. Nugent", written over a horizontal line.

Per: PATRICK NUGENT
(pat@nugentlawoffice.ca)
PN/

c.c. AUPE (Carl Soderstrom – by email)
McLennan Ross LLP (Hugh McPhail, Q.C. by email)

UNFAIR LABOUR PRACTICE COMPLAINT

Attention: Tannis Brown, Director of Settlement

RE: An unfair labour practice complaint pursuant to s. 50 of the *Public Service Employee Relations Act* (the "Act") brought by the Alberta Union of Provincial Employees (hereafter the "Union" or "AUPE") affecting The Government of the Province of Alberta (hereinafter the "Government" or the "Employer"), alleging a breach of ss. 45(1)(a), 46(2) and 48(a) of the Act

1. The Applicant

The Alberta Union of Provincial Employees 10451 170th St NW Edmonton AB T5P 4S7 Ph: 780 930 3300 Fax: 780 930 3392 Contact Person: Carl Soderstrom	Legal Counsel: Patrick Nugent NUGENT Law Office 2 nd Flr, 10008 – 82 Ave Edmonton AB, T6E1Z3 Tel: 780 439 3232 Fax: 780 439 3032 Cell: 780 901 1572
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2. The Respondent

The Government of the Province of Alberta Edmonton AB,	Legal Counsel: Hugh McPhail, Q.C. McLennan Ross LLP 600 12220 – Stony Plain Road Edmonton AB, T5N3Y4 Tel: 780 482 9230 Fax: 780 482 9101
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3. Sections of the Act relied upon for this Application

In support of this application AUPE relies upon sections 3, 45(1)(a), 46(2) and 48(a) of the Act.

4. Particulars of the Complaint:

1. The Alberta Union of Provincial Employees is the bargaining agent for a group of employees of the Government under the Act, including employees of the Solicitor General's Department employed at the Edmonton Remand Centre (the "Employees").
2. AUPE and the Employer have been in bargaining for a renewed collective agreement in relation to the Employees.
3. AUPE served the Employer with Notice to Commence Bargaining on January 4, 2013.
4. On Friday, April 26, 2013 the Employees commenced a strike in order to address certain treatment and conditions at the Edmonton Remand Centre ("ERC").
5. On Tuesday, April 30, 2013 the AUPE and the Government agreed that the Employees would end their strike and return to work in exchange for which the Government made certain promises. The Government promised that there would be amnesty and no retribution against any Employee for any strike activity and that the Government would perform an expedited health and safety review of the ERC.
6. The Employees kept up their end of the bargain and returned to work on May 1, 2013, as they had promised to do.
7. The Government's obligations under the agreement were repeated publicly by Deputy Solicitor General Tim Grant in a press conference on April 30, 2013, by Deputy Premier Lukaszuk on live radio on the morning of May 1, 2013 and by Solicitor General Jonathan Denis on the afternoon of May 1, 2013.
8. However, when the Employees appeared for morning muster at the ERC on Wednesday May 1, 2013 they were told by Deputy Solicitor General Tim Grant that they weren't protected under the promised amnesty.
9. The Employees are now irate, feel betrayed by the Government and AUPE and take the position that they were tricked into returning to work.
10. Given the conduct of the Government with respect to the breach of these promises, AUPE and the Employees take the view that the trust necessary to bargain collectively has been seriously, if not irreparably, damaged.

5. Basis of the Application

11. AUPE submits that the statements made by Deputy Solicitor General Tim Grant constitute an interference with the administration of AUPE, constitute a breach of the Government's duty to bargain in good faith and constitute a breach of the status quo that had been agreed to between the parties. As such, the Government has breached sections 45(1)(a), 46(2) and 48(a) of the Act.

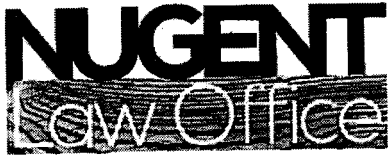
5. Remedies Sought.

1. AUPE seeks a Directive from the Board that the Government has breached 45(1)(a), 46(2) and 48(a) of the Act and a direction that they cease and desist breaching the Act;
2. AUPE seeks a directive that Mr. Grant publicly retract his statements made at morning muster at the ERC on May 1, 2013;
3. AUPE seeks the costs of this application.
4. AUPE seeks any other and further directives or remedies the Board considers appropriate under the circumstances.

Dated this 2nd day of May, 2013.



Carl Soderstrom, AUPE



Our file: 2250007

BY FAX ONLY TO 780 422 0970

May 7, 2013

Alberta Labour Relations Board
#501, 10808 - 99 Avenue
Edmonton, Alberta T5K 0G5

Attn. Tannis Brown, Director of Settlement

Dear Madam,

RE: An unfair labour practice complaint pursuant to s. 50 of the *Public Service Employee Relations Act* brought by the Alberta Union of Provincial Employees affecting The Government of the Province of Alberta, alleging a breach of ss. 45(1)(a), 46(2) and 48(a) of the Act, Board File GE-06628

This letter is the response of AUPE to the employer's request for particulars in relation to this complaint. By this letter, AUPE also seeks to amend its complaint to allege that the agreement referred to in paragraph 5 was actually made on Monday night, April 29, 2013, rather than Tuesday April 30, 2013 as mistakenly set out in the complaint.

The agreement referred to in paragraph 5 of the complaint was made on Monday night, April 29, 2013 at Rigoletto's Restaurant. The agreement was made between Guy Smith and Thomas Lukaszuk. The "certain promises" are identified in the second sentence of paragraph 5.

The Union would also like to add the following particulars to its complaint:

- a) On the weekend of May 4 and 5, 2013 the employer indicated that it was commencing an investigation against CPOs at the Fort Saskatchewan Correctional facility, in relation to those employees' participation in the strike. The Union understands that the employer will be attempting to conduct investigatory interviews during the day on Tuesday, May 7, 2013.
- b) AUPE alleges that this further conduct by the employer is also a breach of the April 29, 2013 agreement and a breach of the Code sections identified in the Union's original complaint.

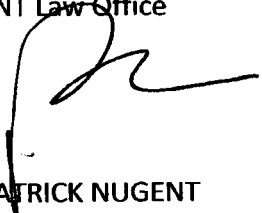


- c) AUPE will be advising the employees under investigation that in AUPE's view the employer's investigation an abuse of process, given the complaint before the Board and the Board's appointment on May 2, 2013, pursuant to s. 51(2) of the Act of a person to inquire into the complaint and endeavour to effect a settlement. Given the decision by the Board to appoint a person, it is improper for the employer to seek to compel the employees to participate in the employer's unilateral investigation.
- d) Given these further particulars, AUPE also seeks an interim direction from the Board that the employer not engage in these investigations or any similar other conduct which would be seen to breach the April 29, 2013 agreement and further breach the Code.

We trust this is the information required by the employer in relation to its request for particulars and we look forward to hearing from the Board in respect to AUPE's further particulars and remedial request.

Yours truly,

NUGENT Law Office



Per: PATRICK NUGENT
(pat@nugentlawoffice.ca)
PN/

c.c. AUPE (Carl Soderstrom – by email)
McLennan Ross LLP (Hugh McPhail, Q.C. by email)



MCLENNAN ROSS^{LLP}
LEGAL COUNSEL

Our File Reference: 131535

Your File Reference: GE-06628

May 7, 2013

Hugh J.D. McPhail, Q.C., LL.M.

Direct Line: (780) 482-9212

e-mail: hmcphail@mross.com

Lenora Anderson, Assistant

Direct Line: (780) 482-9277

Fax: (780) 733-9731

PLEASE REPLY TO EDMONTON OFFICE

SENT BY FAX

Alberta Labour Relations Board
#501, 10808 - 99th Avenue
EDMONTON, AB T5K 0G5

Attention: Tannis Brown

Dear Madam:

**Re: An unfair labour practice complaint brought by the Alberta Union of
Provincial Employees affecting the Government of the Province of Alberta and
Tim Grant - Board File No. GE-06628**

We are the solicitors for the Government of the Province of Alberta and, on its behalf, we reply to this complaint.

This complaint ought to be rejected, pursuant to the Board's powers under section 51(8) of the Act, as it is without merit. It is also vexatious and an abuse of the Board's processes so the Board ought to award costs which it can do under section 12(2)(i) of the *Labour Relations Code* which power it is given by section 3 of the *Public Service Employee Relations Act*.

The Alleged Agreement

We demanded particulars of this agreement in advance of the hearing and did not receive any to date. We are entitled to particulars and ask for them again.

Edmonton Office
600 West Chambers
12220 Stony Plain Road
Edmonton, AB T5N 3Y4
p. 780.482.9200
f. 780.482.9100
tf. 1.800.567.9200

Calgary Office
1000 First Canadian Centre
350 - 7th Avenue SW
Calgary, AB T2P 3N9
p. 403.543.9120
f. 403.543.9150
tf. 1.888.543.9120

Yellowknife Office
1001 Precambrian Building
4920 - 52nd Street
Yellowknife, NT X1A 3T1
p. 867.766.7677
f. 867.766.7678
tf. 1.888.836.6684

Counsel confirmed in the discussions at the Board that the Union was not intending to amend the complaint so we will respond to the complaint as presented although it is not particularized, reserving our right to further reply when we see particulars.

The simple answer to this complaint is that there was categorically no agreement made with the Union on April 30. The Union was provided with a letter that date from the Public Service Commissioner which is attached as Appendix D to this reply. The letter is merely an expression of intentions. The Union had one meeting with him when they asked him to change it. He gave the Union his answer by telephone a few hours later that he refused to amend it. That was the extent of all discussions between the Government and the Union on April 30th.

The detailed facts we will establish in evidence are the following:

1. On Friday, April 26, 2013, an illegal strike was commenced. It continued despite the Board's Directives and despite those Directives being filed with the Court. The Court of Queen's Bench also held the Union in contempt of court on April 29 and that order is attached hereto as Appendix A.
2. The Government was clear and consistent in all its communications – public and private.
 - a. The Government was not prepared to enter into “backroom deals” between AUPE and politicians.
 - b. AUPE and its members must comply with the Board's Directives and the Court's Orders.
 - c. Any Occupational Health and Safety concerns could be resolved by discussion once employees returned to work. If discussions were not successful, then the *Occupational Health and Safety Act* could be invoked by employees and an investigation could be conducted. If an investigatory approach was not acceptable, then the grievance and arbitration mechanisms under the Collective Agreement could be invoked.
 - d. The Government was not looking to be vindictive, but discipline had to be addressed on a case by case basis.
3. The Government's communications – private and public – only changed in one minor way over the course of the illegal strike. As it became clear that the dispute may have arisen or been aggravated by a clash between Mr. Ross and his superiors, the Government emphasized the legal processes in paragraph 2(c) as the preferred method of addressing concerns.
4. On April 27, 2013, Mr. Smith and Clarke McChesney met with Deputy Premier Lukaszuk and Mr. Craig Neuman, Q.C.. The Deputy Premier took the opportunity to tell Mr. Smith and McChesney that there would be no backroom deals, that the employees must return to work and Occupational Health and Safety concerns could

be addressed by invoking proper channels. Mr. Smith provided the Deputy Premier with a list of ten demands which the Deputy Premier promised to pass along to the proper officials. The list of ten demands is attached as Appendix B. It demanded amongst other things: "No discipline for those who took strike action."

5. On April 28, 2013 at approximately 9:15 am, Mr. Smith telephoned Minister Jonathan Denis asking to meet. Mr. Denis did not agree to meet and instead contacted the Deputy Premier. The Deputy Premier wrote a text to Mr. Smith, a screen shot of which is attached as Appendix C. Amongst other things, it reiterates that there will be no backroom deals.
6. On April 29, 2013, Mr. Smith called the Deputy Premier. Mr. Smith asked for a meeting "to talk." The Deputy Premier, amongst other things, advised Mr. Smith in the presence of others:
 - a. That he will meet to talk, but there will be no negotiations, only discussions to develop a better understanding of the concerns.
 - b. That AUPE and the employees have to go back to work.
 - c. Many of the concerns raised so far appear to be collective bargaining demands. AUPE needs to engage established processes whether that is at the bargaining table, using the procedures under the *Occupational Health and Safety Act* or under the collective agreement. He said the Government will if called upon to deal with a complaint will ensure "fresh eyes" look at the concerns and expedite such processes but the strike must end.
7. On April 29, 2013, and immediately following the call, the Deputy Premier attended a Press Conference. He stated in that Conference that while he was willing to sit down and have a beer with Mr. Smith, there would be no backroom deals with politicians, that AUPE and its members had to comply with all Orders of the Court and reiterated that AUPE had to invoke the legal processes that were available to them.
8. On April 29, 2013, at 6:00 p.m. the Deputy Premier and Mr. Smith met at a local restaurant. Mr. Smith said that "things were getting out of hand." He said that Social Workers would be going on strike on April 30, 2013. He said he wanted four things:
 - a. Messrs. Ross and Wogelmuth receive no discipline for their activities that led to the strike.
 - b. He wanted amnesty for everyone.
 - c. He wanted the Occupational Health and Safety matters addressed.
 - d. He wanted no damages or claims of any kind made against AUPE.

9. In this meeting in the restaurant, the Deputy Premier said:
 - a. He was not there to make a backroom deal, but to have a discussion. That anything that was discussed would be taken back to the Public Sector Resource Committee ("PSRC").
 - b. That the strike had to end.
 - c. That the Government had always been willing to review new and specific Health and Safety concerns. But he reminded Mr. Smith that a full review had been done by the Occupational Health and Safety Branch and no concerns had been identified.
 - d. The Deputy Premier expressed his opinion that the Government did not want to be vindictive. He was specifically referring to contempt proceedings. He said that he knew what it is like to have a mortgage and didn't want to see employees fined or imprisoned. Anything else would be looked at on a case by case basis.
 - e. He said that he would take the matter to the PSRC and get back to Mr. Smith by 10:00 am the next day.
10. By 10:00 am of April 30, 2013, the Deputy Premier had not yet called Mr. Smith. At 10:04, Mr. Smith attempted to contact the Deputy Premier by phone.
11. At 10:16 the Deputy Premier texted Mr. Smith telling him he would be getting a reply presently. Attached as part of Appendix C is a screen shot of that text message. It reads, "Guy, in keeping with our meeting, written response from Public Service Commissioner is on its way in form of a letter."
12. At a little after 11:00 am, the Public Service Commissioner, Dwight Dibben, sent a letter to AUPE. The letter was not intended to be nor is it an offer. Rather, it simply reduced the Government's long held position to writing for clarity. However, it did say that the Government would put the paragraph concerning Health and Safety into a separate letter "if that suit[ed] [AUPE's] purposes." That letter is attached as Appendix D.
13. On April 30, 2013, at approximately 11:30 a.m., Mr. Smith and Mr. Soderstrom called the Public Service Commissioner and Lenore Neudorf and asked to meet "on language around health and safety and to seek clarification."
14. A little after noon, the Public Service Commissioner and Ms. Neudorf met with Messrs. Smith and Soderstrom. AUPE did not seek clarification of Mr. Dibben's reply. Instead, AUPE handed the Government a document which they proposed that the Government would table. After discussing the letter and seeking clarification of its contents, the meeting ended.

15. At approximately 6:15 p.m. that day, Mr. Dibben phoned Mr. Smith and advised him that the letter he had provided to AUPE set out the Government's position. He said that the matters he raised went beyond clarification and AUPE had to comply with all Orders. Attached as Appendix E is Mr. Dibben's talking points for the call, which he read over the phone.
16. At approximately 10:00, AUPE ended the strike. In ending the strike, Mr. Smith referenced lengthy negotiations that had led to an agreement.
17. No lengthy negotiations ever occurred. No agreement was reached. What's more, even if the sentence "it is not our intention to seek retribution and following a return to work will consider all circumstances on a case by case basis and act thoughtfully and in a measured and appropriate fashion" could be construed as a term of an agreement – which is denied – it is obvious that it does not communicate amnesty.
18. Rather than ending the strike because of extensive negotiations, the strike ended because fines were escalating and further proceedings including potential criminal contempt proceedings were in the process of being filed.
19. As is clear, the Government had no obligations under any agreement. This employer's decisions about what to do about discipline of employees is its prerogative, subject to the right of individual employees to grieve under the collective agreement if they disagree.
20. Deputy Solicitor General Tim Grant told employees in express terms that the position of the employer concerning discipline was as stated in a letter of intention sent to Guy Smith by the Public Service Commissioner on April 30 (Appendix D) which states the following:

"With respect to your request for amnesty for striking employees, it is not our intention to seek retribution and following a return to work we will consider all circumstances on a case by case basis and act thoughtfully and in a measured and appropriate fashion."
21. In answer to this complaint, it will be the Government's position that the only person who mislead any employees about the situation was Guy Smith when he falsely claimed he had an amnesty agreement when he did not.

The Union's complaint alleges violations of ss. 45(1)(a), 46(2), and 48(a) of the Act.

s. 45(1)(a): Nothing alleged in the complaint has anything to do with this provision. It says that an employer shall not "participate or interfere with the formation or administration of a trade union." According to the decision of the Board in *AUPE v. Alberta and Guy Smith*, [1994] Alta. L.R.B.R. 117: "The phrase "administration of a trade union" is directed at the protection of the trade union and its internal workings. It does not protect the representation

of employees by a trade union or its executive.” Nothing in the complaint indicates any interference with the administration of the union.

s. 46(2): This provision prevents alteration of terms and conditions of employment unless the alteration is permitted by a collective agreement. There is no allegation that this employer has altered any term or condition of employment. Even if the union’s argument somehow succeeded that its alleged agreement existed, it still is not part of and does not amend the collective agreement.

s. 48(a): This provision says that no employer “shall refuse to meet and commence to bargain collectively in good faith.” This employer not only has commenced collective bargaining (well before the strike) but also has been involved in active negotiations in good faith with this union. Bargaining continued on April 30, May 1 and May 2 without any impact from the strike.

It is clear that what happened here is that Smith attempted to negotiate amnesty and other things for his members but failed. He then chose to falsely claim that he had the agreement that he desperately tried to get and never obtained. He was pressured by the looming contempt fine of \$500,000 if the strike did not end by noon on May 1. He was also pressured by criminal contempt proceedings which he knew were being scheduled to be heard on May 2. Knowing that he had failed in his efforts to get a deal from the Government, he had to end the strike without getting anything other than a commitment of the government to honour its ordinary occupational health and safety obligations.

If the Board does not grant our request for summary dismissal of this application and we have to call evidence, we will call evidence to establish all of the above facts and we will also introduce copies of interviews of Guy Smith in various media discussing issues relevant to this complaint.

Yours truly



HUGH J.D. McPHAIL

HJM/la

cc: AUPE c/o Simon Renouf and Pat Nugent

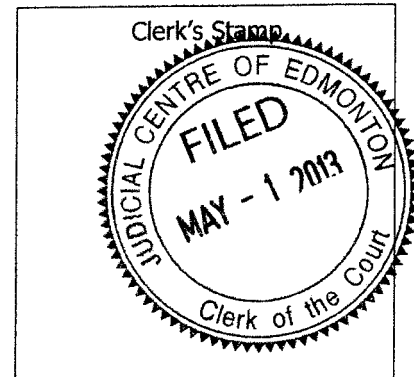
cc: Client

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COURT FILE NO. 1303-06059

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON



APPLICANT THE GOVERNMENT OF ALBERTA

RESPONDENT ALBERTA UNION OF PROVINCIAL EMPLOYEES

*THE PROVINCE*I hereby certify this to be a
true copy of the original.

for Clerk of the Court

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS DOCUMENT

McLENNAN ROSS LLP
600 West Chambers
12220 Stony Plain Road
Edmonton, AB T5N 3Y4

Lawyer: Hugh J.D. McPhail, Q.C., LL.M.
Telephone: (780) 482-9200
Fax: (780) 482-9101
Email: hmcphail@mross.com
File No.: 131455

DATE ON WHICH ORDER WAS PRONOUNCED: April 29, 2013**LOCATION OF HEARING OR TRIAL: EDMONTON, Alberta****NAME OF JUSTICE WHO MADE THIS ORDER: Justice J.D. Rooke**


UPON THE APPLICATION of the Government of Alberta; UPON HEARING read the Affidavits of Claudia Vaquerano, Kathy Vasko, Wayne Reddon and Mike Tholenaar, and hearing their viva voce evidence

AND UPON hearing counsel for the AUPE and counsel for the Government of Alberta; IT IS HEREBY ORDERED THAT:

AND WHEREAS the terms of this Order have been fixed this 1st day of May, 2013.

1. The time for service of the within application is hereby abridged;
2. Action Numbers: 1303-06059, 1303-06060 and 1303-06061 are hereby consolidated in Action number 1303-06059;
3. Leave is granted to present *viva voce* and video evidence;
4. AUPE is declared to be in civil contempt of the Orders of the Court containing the Directives of the Alberta Labour Relations Board filed in this Court in the actions referred to in paragraph 2 herein, pursuant to section 88 of the *Labour Relations Code*, RSA 2000, c. L-1;

5. AUPE is fined \$100,000 for civil contempt payable forthwith;
6. If the strike referred to in these Orders of the Court containing the Directives is not ended by noon on April 30, 2013, AUPE is fined a further \$250,000.00 payable forthwith;
7. If the strike referred to in these Orders of the Court containing the Directives is not ended by noon on May 1, 2013, AUPE is fined a further \$500,000.00 payable forthwith, and a further fine of \$500,000.00, payable forthwith, for each following day as of noon on any such day that the strike referred to in these Orders of the Court containing the Directives continues thereafter;
8. AUPE is directed to remove from its website any and all references to solidarity or support with the strike referred to in these Directives;
9. The Orders of the Court containing the Board Directives, bearing the Court filed stamp, shall be published forthwith on the AUPE website;
10. No statements in solidarity with or in support of the strike referred to in these Orders of the Court containing the Directives shall be published on any website, or any social media site by any officer of AUPE;
11. Leadership of the Union, specifically Guy Smith (President), Clarke McCheshney (Chair of Local 003), and Carrie-Lynn Rusznak (Vice President), are to sign and publish on the AUPE website, in clear and unambiguous terms and without equivocation, a statement encouraging the members of AUPE to meet their obligations under paragraph 4 of the ALRB Directives, and specifically to cease their strike and return to work immediately and to remind all members of AUPE to comply with the Directives;
12. AUPE continues to be authorized to publish third party news reports from independent media sources with respect to the strikes referred to in the Orders of the Court containing the Directives, but are prohibited from publishing their version of the news relating to the strikes referred to in the Orders of the Court containing the Directives, on its website or elsewhere;
13. The directions contained in paragraphs 8,9,10, 11 and 12 of this Order are to remain in effect until further Order of the Court, by either filing a consent order or by application on notice of motion;
14. AUPE shall pay costs on a solicitor and client basis, as agreed or as assessed by the assessment officer, including the costs of settling the terms of this Order;
15. Service of this Order on AUPE shall be permitted by serving their counsel Simon Renouf.
16. Faxed or electronic signatures are permitted.


A.C. JUSTICE OF THE COURT OF QUEEN'S BENCH OF
ALBERTA

APPROVED AS TO FORM AND CONTENTS

SIMON RENOUF PROFESSIONAL CORPORATION


Per:


Simon Renouf, QC, Counsel for the Respondent

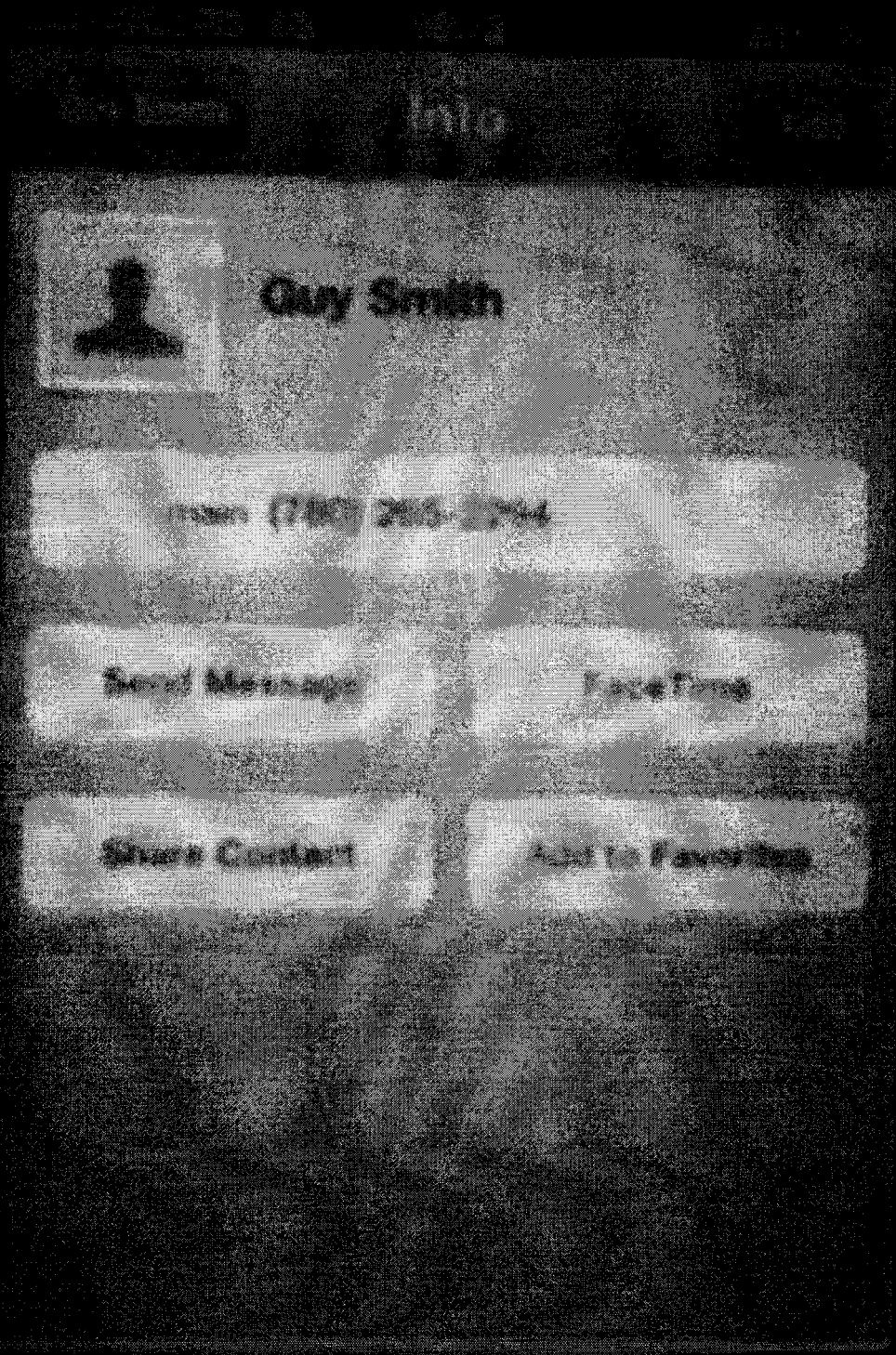
AND BY

MCLENNAN ROSS LLP

Per:


Hugh McPhail, QC, Counsel for the Applicant

1. No Discipline for those who took strike action
2. ~~Remove discipline against Todd Ross and Greg Wogelmueth~~
3. No Damages of any kind levied against AUPE
4. CPO Safety (min. staffing pattern)
 - Units: 1 - CPO III
 - 3 - CPO II's per unit - days & afternoons
 - 2 - POD Control CPO II's (APORT with 2 years)
 - 2 - CPO Floats (CPO I's must have APORT and 2 years service)
 - *3 CPO III - 2 must be a CPO II with APORT and 2 years service
 - 1 must have APORT and 1 year service
5. Escorts/Response Team -
 - 1- CPO III
 - 12 -CPO II (2 years and APORT)
 - 6 - CPO I (APORT) (Trainee)
 Admit and Discharge
 - 1 - CPO III
 - 10 - CPO II (2 years and APORT)
 - 5 - CPO I (APORT) (Trainee)
 Health Clinic
 - 2 - CPO II (2 years and APORT)
 - 1 - CPO I (APORT) (Trainee)
 Search Team
 - 1 - CPO III
 - 6 - CPO I or II (APORT) (Trainee)
6. Proper Direct Supervision - ie Placement Options
 - All Units Open and Running
 - Proper Classification and Placement of inmates
 - Proper Re-classification and Placement for Behaviour Problems
 - Problematic Inmates Removed from General Population Immediately
7. Validate and Resolve Current and Recently Brought Forward OH&S Concerns
8. 2 Hour Lockdown Periods for the Meal Service (Lunch and Supper)
9. Agreement to meetings between ERC Management with AUPE Chapter Executive and AUPE OH&S Officer on a weekly basis for a minimum of 6 months to discuss and resolve OH&S concerns and operational concerns
10. Removal of Terry Garnett (Executive Director of Adult Operations)



Messages

Guy Smith

100

Call

FaceTime

Contact >

2:00 PM

2013-04-26 2:11 PM

Guy, its Thomas Lukaszuk
Please call me at this
number...

2013-04-27 12:12 PM

How about Petroleum
Club at Kingsway?

OK. See you at 12:00

2013-04-26 5:37 PM

Guy, in our conversation I
was very clear. Return to
work and we can address
all matters through proper
channels. We will not



Messages



Guy Smith

Our intent for resolution
was to get the Return to
work and we are going to
all matters through proper
protocols. No political
"back door" deals. As
such, please do not
contact Cabinet Members
for private discussions.

We are reasonable and we
want our employees to
have safe and fair work
environment. There is a
"win-win" solution but we
will achieve that by
utilizing agreed upon
protocols.



Message

WIN ROGERS 30

10:11

Message

Guy Smith

Edit

*win/win solution but we
will achieve that by
utilizing agreed upon
protocols.

Hope to see you soon

Thomas

2013-04-30 10:14

Guy, in keeping with our
meeting, written response
from Public Service
Commissioner is on its
way in form of a letter.

Take care...

Thomas



MESSAGE



April 30, 2013

Mr. Guy Smith, President
Alberta Union of Provincial Employees
Solidarity Place
10451 - 170 Street
Edmonton, Alberta T5P 4S7

Dear Smith:

As the Alberta Public Service Commissioner, I represent the Crown under the Public Service Employee Relations Act and have the responsibility of responding to the matters you communicated to Deputy Premier Thomas Lukaszuk yesterday. As well, any further initiatives or communications should be directed to me.

AUPE and its members must immediately comply with all Orders of the Court in all respects.

I understand that you are seeking written confirmation that a new Occupational Health and Safety review be initiated to investigate and if appropriate address concerns that have been raised regarding the Edmonton Remand Centre. In keeping with the Government's public representations in this regard as well as existing legislation, you have our commitment to investigate all new and specific occupational health and safety concerns related to the Centre. This commitment is consistent with our practices and duty to maintain safe work places as well as the Government's obligation to administer our legislation and this should address your concerns. If you or your members choose to avail yourselves of existing and available avenues under our Collective Agreement, we will work with you to expedite consideration of these matters. I am prepared to confirm this in a separate letter if that suits your purposes.

With respect to the matters involving Messrs. Ross and Wohlgemuth, it is my understanding that they have not been disciplined. Rather, they have been issued a leave with pay pending completion of management's investigation. Management will look at the entire context including their roles within the Union and the general tone and tenor of the exchange of communications. If they choose to apologize for their communications that apology will be given due consideration. Resolution of this matter is best left to resolve in the grievance and arbitration procedure. In all dealings, we commit to an expeditious procedure to bring closure to any disputes arising in that regard.

With respect to your request for amnesty for striking employees, it is not our intention to seek retribution and following a return to work we will consider all circumstances on a case by case basis and act thoughtfully and in a measured and appropriate fashion.

To be clear, we will seek any and all remedies from AUPE to address the losses suffered as a result of this illegal job action. A timely return to work will be taken into consideration as we proceed.

Regards,

A handwritten signature in black ink, appearing to read 'Dibben', with a stylized flourish at the end.

Dwight Dibben
Public Service Commissioner

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I appreciated our earlier conversation today and the clarification you provided on previous discussions you have had.

My letter earlier today sets out our position and on reflection the matters raised earlier go beyond clarification of aspects of our letter and into significant broader areas.

While we wanted to understand your perspective, this is not consistent with our letter and we remain of the view that all members must immediately comply with all orders of the court and return to work.

Until this occurs we will be unable to discuss matters further.